



**OAK RIDGE TOWN COUNCIL MEETING  
APRIL 5, 2012 - 7 P.M.  
OAK RIDGE TOWN HALL**

**MINUTES**

**Members Present**

Ray Combs, Mayor  
Roger Howerton, Mayor Pro Tem  
Danny Yanusz  
George McClellan  
Spencer Sullivan

**Staff Present**

Bruce Oakley, Town Manager  
J. Michael Thomas, Town Attorney  
Sam Anders, Finance Officer  
Bill Bruce, Town Planner  
Sandra Smith, Town Clerk

**1. CALL TO ORDER**

Mayor Ray Combs called the meeting to order at 7 p.m.

- **Invocation**

Mayor Pro Tem Roger Howerton led the group in a moment of silence.

- **Pledge of Allegiance**

**2. APPROVE AGENDA**

**Councilman Danny Yanusz made a motion to approve the April 5, 2012, agenda. Mayor Pro Tem Roger Howerton seconded the motion and it was passed unanimously (5-0).**

**3. APPROVE MINUTES OF MARCH 1, 2012, MEETING**

**Councilman Spencer Sullivan made a motion to approve the minutes of the March 1, 2012, meeting. Councilman George McClellan seconded the motion and it was passed unanimously (5-0).**

**4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS**

Mayor Combs read a proclamation declaring Friday, April 27, 2012, as Arbor Day 2012 in Oak Ridge.

**5. TOWN MANAGER'S REPORT**

Town Manager Bruce Oakley presented:

- A welcome to Sandra Smith, the new town clerk.
- Proposed ordinance changes to correct erroneous statutory references, wording errors, and unneeded or redundant language.

**Councilman Yanusz** made a **motion** to adopt the proposed ordinance changes. **Mayor Pro Tem Howerton** seconded the motion and it was passed unanimously (5-0).

- A municipal declaration to change the speed limit on streets in the New Chartwell subdivision to 25 mph.

**Councilman McClellan** made a **motion** to adopt the proposed speed limit changes. **Councilman Sullivan** seconded the motion and it was passed unanimously (5-0).

- A reminder that Voluntary Annexation Petitions are being accepted through April.
- A correction to a Northwest Observer article where he was quoted as saying the town would see a "fairly significant increase in revenues" from the recent property revaluation. Oakley said he has misinterpreted the data he received; it appears there will be little, if any, increase in property taxes due to the revaluation. A correction has been published in the paper.

## 6. NEW BUSINESS

- **Solid Waste Plan Update.** Susan Heim, Guilford County's solid waste coordinator, presented the plan, which is required by the state to be updated every three years. Guilford County served as the lead agency, and participating municipalities included Oak Ridge, Archdale, Gibsonville, Greensboro, High Point, Jamestown, Pleasant Garden, Sedalia, Stokesdale, Summerfield and Whitsett. She presented an overview of the plan, volunteered to answer questions, and requested that council approve and endorse the plan.

**Councilman Yanusz** made a **motion** to adopt the plan. **Councilman McClellan** seconded the motion and it was passed unanimously (5-0).

- **Concealed Weapons Ordinance.** Mayor Combs said although this was not a public hearing, speakers would be allowed. He asked that comments be limited to three minutes per speaker and the entire discussion limited to 30 minutes.

**Councilman Sullivan**, who requested the item be placed on the agenda, presented the issue, saying the state grants citizens the right to apply for and receive a permit to carry a concealed handgun (a CCW permit) and that the requirements are rigorous. But state legislation that went into effect on Dec. 1, 2011, says governments can only limit carrying concealed weapons with a permit in government buildings and in municipal or county parks with recreational facilities. Although the town formerly had an ordinance prohibiting firearms in the park, the new state law - which allows CCW permit holders to carry guns in the park - supersedes it.

**Councilman Sullivan** made a **motion** to adopt the proposed new ordinance. **Mayor Combs** seconded the motion.

Comments:

**Councilman Sullivan** said he is a gun owner, CCW permit holder, member of the NRA and firmly believes in the Second Amendment, but he supports the proposed ordinance. Sullivan said he thought the council had an obligation to protect citizens in the park, especially children and youth. Had the recent state law not been passed, council would not be discussing the issue. State law does ban concealed weapons in schools, courthouses, government buildings, airports and at sporting events. The issue is about whether the town wants to continue its ban of firearms in the park and extend it to the town hall, Sullivan said.

**Mike Stone** said CCW permit holders are required to go through an extensive list of requirements and provided council with a copy of them. Stone said the proposed ordinance and ones like it say no matter how good you are, how law abiding, how well trained you are, the town does not trust you to carry a concealed weapon for your own defense. Stone said a rabid animal, a dog attacking a child and criminals are protected, but citizens in the park are not. He asked council to cite examples since the new law went into effect on Dec. 1, 2011 or to present statistics or exhibit facts or records demonstrating the need for the ordinance. The ordinance does not make Oak Ridge safer, Stone said, but the opposite. According to state law, the town could only legally prohibit CCW permit holders from carrying firearms on the playground and athletic fields – no further.

**Mac McAtee** said the ordinance would limit citizens' Constitutional rights. There was no evidence showing concealed carry weapons had been a problem anywhere and the state had issued approximately 400,000 CCW permits. When you disarm a population, they become victims, McAtee said. Six years ago, the state began allowing CCW permit holders to carry weapons in highway rest areas. He said he was at a major accident scene on N.C. 68 last year and it took law enforcement about 30 minutes to arrive. At this time, 48 states recognize North Carolina's CCW permit. McAtee urged council not to pass the ordinance.

**Mark Matics** agreed with Stone and McAtee. CCW permits can be revoked for a variety of reasons, including if someone gets a DWI. Of the permits issued in the state, only about one-half of 1 percent had been revoked – primarily due to things like age and receipt of a DWI. CCW permit holders are law-abiding citizens, and it appeared the council was discussing getting rid of a level of security. McAtee read from a published article, and asked council not to take away citizens' rights.

**Bill Edwards**, Parks and Recreation Commission chairman, said he had spent much time at the park. When it was being built, Edwards said the first thing the Parks and Recreation Commission did was come up with a set of rules, with safety being the most important factor. Although state law supersedes the previous ban of firearms in the park, Edwards called the proposed ordinance a "no-brainer." He said he was more concerned with stray bullets than rabid animals, and urged council to support the proposed ordinance.

**Patti Paslaru** spoke against the ordinance, saying those who had gone through the training to obtain a CCW permit would not endanger others in the park, but would protect them.

Council discussion:

**Mayor Pro Tem Howerton** said there is no law enforcement in Oak Ridge except what the town contracts for with the sheriff's department. He said he would have no problem supporting an ordinance that would restrict weapons in a recreational area, which he interpreted as the ball fields. Howerton said he does have a problem with the ordinance as it applies to the walking trails, and would support tabling the issue and rewriting the ordinance. He said he had received around 100 emails on the issue, most of which were a form letter, and said he would prefer receiving individuals' thoughts on the matter. As currently written, Howerton said he would not support the proposed ordinance.

**Councilman Yanusz** said he had researched the issue. Because the state legislature had recently addressed the issue, Yanusz said his "gut" said the town should be abiding by state law. He said he could think of dozens of incidents where weapons were not allowed in buildings, yet "carnage" still occurred. The extra posting did not solve the issue in those circumstances. Yanusz said he believed good communities police themselves, and he could not support the ordinance as written.

**Councilman McClellan** said the ordinance targets law-abiding citizens and "leaves our children completely in the hands of the criminal class." CCW permit holders are a deterrent and help keep "wolves" away. Since 1996, 10,452 CCW permits have been issued in Guilford County, and fewer than 100 have been revoked. McClellan said he would not support the ordinance as written and would not put his neighbors and children at risk.

**Councilman Sullivan** said because he is a CCW permit holder, in a sense the issue was hard to bring up. He said if children are at risk in the park, then they have been for the past five years because of the previous law that banned weapons there. Sullivan said he was also concerned with the safety of children, but once a firearm is discharged, the only law the bullet obeys is the law of physics. Far more bullets miss their target than hit it, something that is a concern in a park full of children.

**Mayor Combs** said he had great respect for CCW permit holders, but did not feel because he supported the ordinance that his patriotism was less than someone who supported it. The state legislature says that municipalities can limit carrying concealed weapons in parks, and he suggested that anyone who feels their Constitutional rights were being violated should contact the legislature. Weapons – whether concealed or not – are not allowed at sporting events, courthouses, airports and schools, and those who said the ordinance would put children at risk should contact the school system about the issue. Combs said he did not see the difference between limiting concealed firearm possession in those places and in the town park, which he considers a recreational facility. He said he supported the ordinance and thinks a continuation of the town's ban on firearms at the park is good for children and citizens.

A vote was taken, and the motion to approve the proposed ordinance failed 2-3 (Sullivan and Combs for; Howerton, Yanusz and McClellan against).

- **Privilege License Ordinance.** Mayor Combs said state laws allow municipalities to tax businesses in the form of a privilege license. The proposed ordinance would allow the town to tax gambling and sweepstakes businesses. Although there aren't any such businesses currently in the town and the town cannot prohibit them from locating here, they can tax them. Combs said the proposed ordinance allows for a \$2,500 annual privilege license and \$500 for each machine. In response to a question, Combs said the ordinance does not apply to the state lottery or church bingo games.

**Councilman McClellan** made a **motion** to approve the proposed ordinance. **Mayor Pro Tem Howerton** seconded the motion.

**Councilman Yanusz** asked how the proposed rates compare to what other towns are charging, and was told that rates appear to vary dramatically from place to place. Town Attorney Michael Thomas said the proposed ordinance was modeled from that of another town.

A vote was taken, and the motion was passed unanimously (5-0).

- **Sidewalk Construction Suspension.** Mayor Combs said the town had obtained a grant to study walkability. The first meeting of the Pedestrian Plan Committee will be April 17. Currently the town requires any property being developed in the town core to put in a sidewalk. Because it was unknown at this time what recommendations the committee might make, he suggested a moratorium on any sidewalk construction that does not connect to another sidewalk until the committee studies the matter and makes a recommendation to council on it. Oakley recommended the council still require property owners to show a sidewalk on their plans; if the Pedestrian Plan Committee recommends sidewalk construction continue as in the past, the property owner would have 90 days to start construction after the council has accepted the Pedestrian Plan.

**Mayor Combs** continued that he would hate for the town to require someone construct a sidewalk and the committee study the issue and then fail to recommend the construction of that sidewalk. He added that the only project that would be affected to his knowledge was the Family Life Center addition at Oak Ridge United Methodist Church.

**Councilman Yanusz** said he saw the value of sidewalks and thought they were initially well thought-out. He recently saw a young mother with two dogs and two children on bicycles with training wheels using sidewalks in the town.

**Councilman McClellan** asked if the church was in the town core but not in the commercial core, and was told yes.

**Councilman Sullivan** said the suspension of sidewalk construction seemed like a common-sense action to take, and he thought the committee should be given free rein to study the issue without direction from the council.

**Mayor Pro Tem Howerton** made the **motion** to adopt the proposed resolution. **Councilman Sullivan** seconded the motion and it was passed unanimously (5-0).

## 7. OLD BUSINESS

- **Site Plan Case #12-02-ORCP-00351. Oak Ridge United Methodist Church Expansion.** Oak Ridge United Methodist Church requests approval of a 28,317 square foot expansion. Located at 2424 Oak Ridge Road in Oak Ridge Township. Guilford County Parcel # 0163172. Zoned PI, Greensboro (WS-III) Watershed, Scenic Corridor Overlay Zone. Engineer: Michael Westcott.

**Mayor Combs** said the case was coming before the council because there was not a unanimous recommendation from the Planning & Zoning Board. Town Planner Bill Bruce said his recollection was that the one board member who did not vote in favor of the site plan did so because there was discussion of whether Oak Ridge First Baptist Church, which is located across the road from the Methodist church, was in the town core and why it wasn't required to have a sidewalk. Combs asked if the sidewalk was the only thing holding up approval of the site plan and was told yes. He explained that Councilman McClellan and Sullivan would not be allowed to vote on the matter because they are members of the church; council had voted at the March 1 meeting to excuse them due to conflict of interest.

**Mayor Combs** made the **motion** to approve the site plan. **Mayor Pro Tem Howerton** seconded the motion and it was passed unanimously (3-0).

## 8. CITIZEN COMMENTS

Jim Kinneman took the podium:

- Said he thought the proper procedure in passing the sidewalk suspension resolution would have been to send it through the Planning & Zoning Board since it is a development issue to allow full discussion and a recommendation from that board
- Was disappointed the council didn't allow comment on the sidewalk issue before voting on it

## 9. MONTHLY FINANCIAL REPORT

Finance Officer Sam Anders presented:

- Strong cash position
- Total cash of \$3.022 million, total current assets of \$3.152 million, total liabilities of \$44,000
- Will come back next month with a few tweaks on the budget
- Recommendation and request to contract with Goodman, Dixon & Hughes to again do the annual financial audit. The firm is offering the same contract and fee as last year of \$22,000; and costs might be less if time to prepare the audit could be reduced

**Mayor Pro Tem Howerton** made a **motion** to accept the financial report. **Councilman McClellan** seconded the motion and it was passed unanimously (5-0).

In response to questions from Mayor Combs, Anders said he had not heard anything concrete about amounts the county might charge the towns for services in fiscal year 2012-13 or how the recent tax revaluations would affect the town.

**10. COMMUNITY UPDATES:**

• **Parks & Recreation**

Bill Edwards presented:

- A Pitch, Hit & Run event had been held at the park; photos of it had been submitted for the town website
- ORYA spring sports are underway at the park
- A wood bat softball league will be hosted at the park this summer
- RidgeFest is about two months away and will be held June 1-2

• **Planning & Zoning**

No report

• **Board of Adjustment**

No report

• **Finance Committee**

Sam Anders presented:

- Budget message and proposed budget and detail included in council's packet
- Oakley will draft the budget ordinance
- Public hearing of the budget will be held at May council meeting
- Draft budget is a "tight budget" with very conservative estimates

• **Fire Department**

Sam Anders presented:

- A computer crash had resulted in the inability to pull data typically reported to the council
- Thanks to all those who attended the department's spring barbeque
- An Easter egg hunt was planned for April 7 at 10 a.m. at Station 15. Anders invited council members and others present to help hide 500 Easter eggs

• **Historic Preservation Commission**

No report

**11. CITIZEN COMMENTS**

No citizens wished to comment

12. COUNCIL COMMENTS

- Mayor Pro Tem Howerton welcomed Sandra Smith to the town and said he was glad the meeting didn't run as late as what she was used to (working for the Northwest Observer and covering Summerfield). He thanked those who attended the meeting.
- Council Yanusz thanked the citizens who attended the meeting and said he enjoyed seeing their passion.
- Councilman McClellan, addressing those who emailed him about the concealed weapons issue and said "we are watching you," said those people "need a life." He said it was an honor to serve, and encouraged citizens to volunteer for town committees.
- Councilman Sullivan said he appreciated the discussion regarding the concealed firearms issue. He welcomed Sandra Smith and Goodwill to the town, and commended the town staff for their work in the park.
- Mayor Combs reminded attendees that the Oak Ridge Horse Show was that weekend, and said he had read that the show may be coming back to Oak Ridge. He also welcomed Smith and Goodwill, and said he thought Goodwill would have a positive effect on other businesses in the shopping center.

13. ADJOURNMENT

Mayor Pro Tem Howerton made a motion to adjourn at about 8:35 p.m. Councilman McClellan seconded the motion and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, Town Clerk



Ray Combs, Mayor